

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CMG HOLDINGS GROUP, as successor to  
XA THE EXPERIENTIAL AGENCY, INC.,

Civil Action No.: 15-cv-05814-JPO

Plaintiff,

vs.

JOSEPH WAGNER, HUDSON GRAY LLC,  
DARREN ANDERECK, JESSIE LOMMA,  
MICHAEL DAY, JEAN WILSON, ESTELLE  
PIZZO, STUDIO AG, LLC, REMIGIO GUDIN,  
and MIXED COMPANY, INC.,

**STIPULATION**

Defendants.

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JOSEPH WAGNER, JEFFREY SMITH,  
DARREN ANDERECK, and JESSE LOMMA.

Third-Party Plaintiffs,

vs.

GLENN LAKEN and ALEXIS LAKEN,

Third-Party Defendants.

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**IT IS HEREBY STIPULATED, CONSENTED AND AGREED**, by and between the attorneys for the respective parties that, in compliance with the Court's Order dated October 19, 2018, the parties met and conferred on October 24, 2018 to ensure the orderly transfer of certain computer hard drives, USB storage devices and/or servers and the scope of production to prevent Plaintiff from being required to prematurely disclose expert information prior to the date required by this Court's scheduling order while at the same time allowing Defendants the opportunity for adequate review of such computer hard drives, USB storage devices and/or servers, the Parties hereby agree to the following protocol:

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1. On or before November 9, 2018, Plaintiff's counsel will contact Defendants' counsel in writing and identify with specificity, which, if any, of the computer hard drives, USB storage devices and/or servers on the list attached hereto as Exhibit A, contain evidence of deleted data that Plaintiff intends to make the subject of fact or expert testimony at a trial in this matter or contain emails or files that Plaintiff alleges were improperly deleted by any of the Defendants;

2. Simultaneously with such identification, Plaintiff shall cause its vendor, United Lex, to release those drives, USB storage devices and/or servers so identified, to Defendants' forensic computer expert, Global Digital Forensics Inc. ("Global"), by having said computer hard drives, USB storage devices and/or servers delivered expeditiously by overnight courier. Global shall return the hardware to United Lex at Defendants' sole cost within ten (10) days of receipt of such hardware, and shall provide documentation demonstrating that the chain of custody has been unbroken;

3. The Parties agree that Global shall be given full and complete access to such computer hard drives, USB storage devices and/or servers, and that Global shall not grant access to Defendants to the substance of communications or documents contained on the computer hard drives, USB storage devices and/or servers, as said communications or documents could contain matters that are regarded by Plaintiff as privileged and/or have not otherwise been reviewed for relevance. In the event that Global believes that it is necessary to share substantive communications or documents with one or more of the Defendants, the parties shall meet and confer concerning any such request within five (5) days of notification of the issue to avoid motion practice and accommodate any such request, with adequate protections to be utilized in the use of such communications and/or documents; and

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4. This Stipulation may be executed in any number of counterparts by fax or electronic signatures, which shall be deemed an originals for all purposes, and that this Stipulation may be filed with the Court without further notice to any party.

Dated: New York, New York  
October 26, 2018

**WINDELS MARX LANE  
& MITTENDORF, LLP**

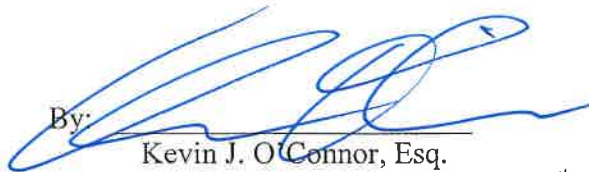
**PECKAR & ABRAMSON, P.C.**

By:



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*Attorneys for Defendants and  
Third Party Plaintiffs*

By:



Kevin J. O'Connor, Esq.  
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Tel.: (212) 382-0909  
*Attorneys for Plaintiff and  
Third Party Defendants*

So ordered.  
October 26, 2018



J. PAUL OETKEN  
United States District Judge

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	Media Quantity		Note
ULX-1004097	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 16d; Orig uvsBrCd: K00011495
ULX-1004108	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 15b; Orig uvsBrCd: K00011495
ULX-1004102	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 17a; Orig uvsBrCd: K00011495
ULX-1004109	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 15c; Orig uvsBrCd: K00011495
ULX-1004074	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Dell PowerEdge T420 Server, sent to Oversize Vault; Orig uvsBrCd: K00011503
ULX-1004073	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	DELL Windows Storage Server R2 Ent x64; sent to Oversize Vault; Orig uvsBrCd: K00011502
ULX-1004103	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 16a; Orig uvsBrCd: K00011495
ULX-1004098	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 16c; Orig uvsBrCd: K00011495
ulx-1005075	23	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	23 Client Drives stored at UVS; Orig uvsBrCd: K00011495
ULX-1004069	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495
ULX-1004072	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495
ULX-1004104	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 16b; Orig uvsBrCd: K00011495 ULX-1005075
ULX-1004100	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 18b; Orig uvsBrCd: K00011495
ULX-1004099	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 18a; Orig uvsBrCd: K00011495
ULX-1004096	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 17b; Orig uvsBrCd: K00011495
ULX-1004106	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 14a; Orig uvsBrCd: K00011495
ULX-1004107	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 15a; Orig uvsBrCd: K00011495
ULX-1004101	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 18c; Orig uvsBrCd: K00011495
ULX-1004070	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495
ULX-1004095	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 17c; Orig uvsBrCd: K00011495
ULX-1004110	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive - 14b; Orig uvsBrCd: K00011495
ULX-1004071	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495

Ex. A

ULX-1004066	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495
ULX-1004067	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495
ULX-1004105	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client drive. 14c
ULX-1004068	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495
ULX-1004065	1	CMG Holdings Group, as successor to XA The Experimental Agency, Inc. v. Wagner et al	Client Drive; Orig uvsBrCd: K00011495
ULX-1005152	1	CMG Holdings Group - Native Discovery Obligations	CD- Bad Disc
	28		